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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,084	09/21/2000	Keizaburo Sasaki	15689.58	9022

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EXAMINER

BLOUNT, STEVEN

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/667,084

Applicant(s)

SASAKI ET AL.

Examiner

Steven Blount

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57 - 86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57 - 86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 71 - 86 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With respect to these claims, the portion of the specification which supports them is (apparently) located on pages 42, lines 8+, and continuing to approximately the end of the (written portion) specification. This portion of the specification is apparently a translation of a foreign application, and it is so poorly worded that the examiner cannot follow what is being said, and it does not give adequate support for these claims in view of this fact. An example of this may be found on page 42, lines 20+:

"The procedures will be described below. (a) A setting request packet was transmitted from the apparatus 71, passed through the apparatus 72, and disappeared before arrival to node B. The apparatus 71, since a response packet to the setting request packet of (a) is not received for a certain period of time, transmitted again the setting request packet. In this case, only the ID value was set to a value different from the setting request packet of (a). (c) A setting request packet was transmitted from the

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apparatus 74, passed through the apparatus 73, and disappeared before arrival to node A. (d) The apparatus 74, to the setting request packet of (b) received through the apparatus 73, since Opt_C, Opt_D and Opt_E cannot be recognized, in a setting rejection packet made a response including these options. (e) The apparatus 73 did not transfer the setting packet of (d) to the apparatus 72, removed Opt_C, Opt_D and Opt_E to produce a setting request packet with changed ID value and transmitted to the apparatus 74”.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 57 – 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,978,386 to Hamalainen et al in view of European patent application 0942569 to Dravida.

Hamalainen et al teaches, in a PPP configuration, removing *stuffing* bytes in col 4 lines 13+ and 19+, and also flag addition means is mentioned in col 7 lines 19+; and see col 6 lines 60 – 66 (flag removal) and col lines 4+ (flag “returned”, ie, (re) insertion);

Information (flag) for identifying a frame partition is mentioned in col 7 lines 14 and 17; and see also col 3 lines 57+ (control fields); removing the octets (stuffing bytes) is mentioned above.

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Hamalainen does not, however, teach adding information for identifying a frame partition, wherein said information includes the frame length. Dravida teaches including this information in a "point to point data link protocol (SDL) in order to increase performance when applied to variable length data (col 2 lines 24+), *wherein the length indicator is used in place of flag*. See col 2, lines 27+.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have placed length indicating information in the flag deleted data of Hamalainen et al in light of the teachings of Dravida in order to provide an effective means for dealing with variable length data packets.

5. Claims 65 – 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,666,362 to Chen et al.

Chen teaches, in col 7 lines 37+, a device (101) in a PPP network for "responding to LCP packets." Chen then says that members 102 and 110 may be external to the housing of the PC device. Similarly, the examiner believes it would be obvious to also maintain member 101 separate from the computer DTE, and perhaps associated with members 102 and 110 as well.

6. Claims 68 – 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicants Admitted Prior Art in view of U.S. patent 5,978,386 to Hamalainen et al.

Pages 10 – 11 of AAPA discuss the use of LCP echo request/response packets, and also the problem of "extra tariff". AAPA does not however discuss a solution to this problem to constitute the receiving of an LCP discard request and then discarding the said request. Hamalainen et al discuss reducing data by discarding ("compressing, in

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Hamalainen) unwanted or unnecessary data, as discussed above. It is noted that Hamalainen et al also discuss the discarding to occur in a support (ie, intermediate) node in col 8, lines 59+. It would have been obvious to reduce the overhead of AAPA by discarding LCP discard request messages in light of Hamalainen et al in order to reduce the data traffic and improve the communication quality.

7. Claims 71 – 76 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over European patent application 933898 to Hirono.

With regard to claims 71 - 76, see the abstract of Hirono and note the fact that a communication between the user and the base station not being able to be established would be obvious to result in the creation of a “setting rejection” or “setting negation” packet. With regard to claim 86, it would be obvious to use a mobile server for member 10a in Hirono.

8. Claims 77 – 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,320,874 to Crump et al.

Crump teaches a device 110 that intermediates notification of an end request between the second device and itself and also resets the link (ie, terminates it) between itself and the first device, and then completes a termination between itself and the second device, wherein the intermediating notification and resetting the link are an obvious form of “intermediating a notification of an end request from the first communication apparatus to the second apparatus.”

9. Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,666,362 to Chen et al in view of U.S. patent 5,978,386 to Hamalainen et al.

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Chen et al teaches the invention as described above with respect to receiving the echo reply, Hamalainen et al teaches terminating the data (ie, echo reply), and it would be obvious to produce a new reply in view of the teachings of Chen et al in order to complete the connection.

REMARKS

10. The examiner maintains that claims 71 – 86 are not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 703-305-0319. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached on 571 - 272 - 3071. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ajit Patel
Primary Examiner

SB



2/02/2005